

Lafayette Consolidated Government

# Unified Development Code



## Contents

Article 4.	Procedures.....	1
Division 1.	General Procedural Elements .....	1
89-44	Generally.....	1
89-45	How are applications filed?.....	5
89-46	What are the general procedures for notice? .....	6
89-47	What procedures apply to hearings?.....	7
89-48	Reserved.....	7
Division 2.	General Processes .....	0
89-49	[RESERVED].....	0
89-50	Comprehensive Plan Amendment.....	0
89-51	Text Amendment .....	2
Division 3.	Zoning Processes .....	4
89-52	Rezoning.....	4
89-53	Conditional Use Permit.....	8
Division 4.	Subdivision Processes .....	11
89-54	Subdivision Plats, Generally .....	11
89-55	Pre-Application Sketch Plan (Optional) .....	13
89-56	Preliminary Plat.....	14
89-57	Final Plat .....	18
89-58	Acceptance of Improvements for Perpetual Maintenance .....	20
89-59	Minor Plat (Hearing Examiner) .....	24
89-60	Plat Vacation .....	27
89-61	Re-Subdivision .....	28
89-62	Boundary Adjustment.....	29
Division 5.	Administrative Processes.....	31
89-63	Building Permit.....	31
89-64	Certificate of Occupancy.....	31
Division 6.	Administrative Relief.....	32
89-65	Modification .....	32
89-66	Variances and Appeals to Board of Zoning Adjustment (BOZA) .....	34
89-67	Appeal of Planning and Zoning Commission Determinations .....	37
Division 7.	Enforcement.....	40
89-68	Enforcement Procedures .....	40

## Article 4 Procedures

89-69	Violations and penalties.....	41
89-70	Reserved.....	41

### Tables

Table 89-44-1 Procedure Workflows.....	2
Table 89-44-2 Process Summary .....	3

### Figures

Figure 89-44-1 Overview of Process Workflow .....	2
Figure 89-44-2 Overview of Legislative and Administrative Processes.....	4

---

## Article 4. Procedures

---

### Division 1. General Procedural Elements

#### 89-44 Generally

- (a) This Article applies to any application for zoning or subdivision approval in the LCG.
- (b) This Article establishes procedures for land development decisions made under this Chapter. These include
  - (1) **Legislative** decisions, including rezoning and changes to this UDC and the Comprehensive Plan. These involve a new policy or rule, or a change in land development policy.
  - (2) **Quasi-Judicial** decisions, including conditional use permits and variances. These proceedings require a weighing of the evidence, a balancing of the equities, an application of rules, regulations and ordinances to facts, and a resolution of specific issues. These also involve a public hearing and the exercise of discretion by the decision-making agency.
  - (3) **Administrative** decisions, such as building permits and certificates of occupancy. These apply the UDC or conditions of a quasi-judicial decision to a specific project that is either clearly defined in the UDC, or that has already obtained all necessary legislative and quasi-judicial approvals. Because these involve the application of non-discretionary rules to specific projects, these decisions are made by LCG staff without a public hearing.
- (c) This Chapter sets up rules for procedures, such as pre-application, neighborhood notification, notices and public hearings. It then describes the process for specific land use decisions. The procedures all have a **common workflow** and description, as follows:

Table 89-44-1 Procedure Workflows

Element	What does this mean?
<b>Applicability</b>	The type of development or situation that is subject to the process.
<b>Initiation</b>	This is how the applicant begins the process, including the department or official that an applicant files the application with.
<b>Completeness</b>	This is how the LCG determines that the application has sufficient information to be processed.
<b>Notice</b>	This describes the type of notice, and how it is provided.
<b>Decision</b>	This states who approves that application, how notice is provided, and the type of proceeding that leads to the decision.
<b>Approval Criteria</b>	These are any particular standards that determine whether the application is approved. All applications are subject to this Chapter and zoning district regulations.
<b>Subsequent Applications</b>	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
<b>Appeals</b>	This provides a way to review an application that is denied, or that have conditions that the applicant disagrees with.
<b>Scope of Approval</b>	This states the activities that the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
<b>Recordkeeping</b>	This states how the formal decision of approval is maintained.

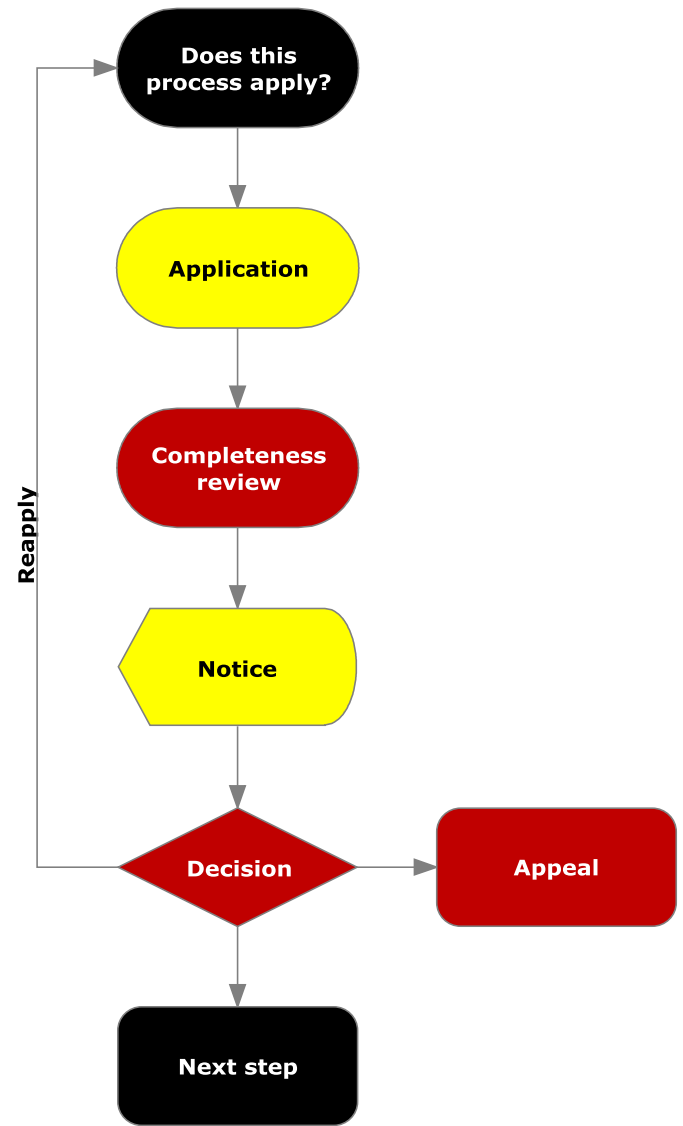


Figure 89-44-1 Overview of Process Workflow

(d) The processes established in this Code are summarized below.

Table 89-44-2 Process Summary

Process	Agency		Notice						
	Administrator / Staff	Hearing Examiner	Planning & Zoning Commission	City-Parish Council ("Council")	Board of Zoning Adjustment	Publication	Mail	Signs	Cross-Reference
Annexation	I			D-PHL		■			Error! Reference source not found.
Acceptance of improvements	I		D			✓			89-58
Appeal (Zoning)	I				A	✓			89-66
Appeal (Planning and Zoning Commission decision)	I			D-PHA		■	■	■	89-67
Boundary Adjustment	D								89-62
Conditional Use Permit	I		D-PHA	A-PHA		✓	✓	✓	89-53
Modifications	I	⇔	⇔	⇔					89-65
Comprehensive Plan Amendment	I		D-PHL			✓			89-50
Rezoning & Annexation Zoning Assignment	I		D-PHL	A-PHL		✓	✓	✓	89-52
Site Plan Review	D								Art. 10
Subdivision, Final Plat	D*								89-57
Subdivision, Minor Plat	I	D-PHA	A-PHL	A-PHL		✓	✓	✓	89-59
Subdivision, Plat Vacation	I		D-PHL	A-PHL		✓	✓	✓	89-60
Subdivision, Preliminary plat	I		D-PHL	A-PHL		✓	✓	✓	89-56
Subdivision, Re-subdivision	I	D	D-PHL	A-PHL		✓	✓	✓	89-61
Subdivision, Sketch Plan	I								89-55
Text Amendment	I		D-PHL	A-PHL		✓			89-51
Variance (Zoning)	I				D	✓	✓	✓	89-66

**Key:** I = intake, review and referral R = Recommendation D = Decision A = Appeal  
 PHL = public hearing (legislative) PHA = public hearing (administrative)  
 ⇔ = the decision is tied to another process. The agency has a role only where noted in the procedures related to a specific process.  
 ✓ = required ■ = specific notice depends on the situation – refer to the section reference  
 \* Administrator acts on behalf of Planning and Zoning Commission.

Note: this table is a general summary. Refer to the referenced sections for the specific procedure. If there is any conflict between the text section referenced here and Table 4-2, the text section controls.

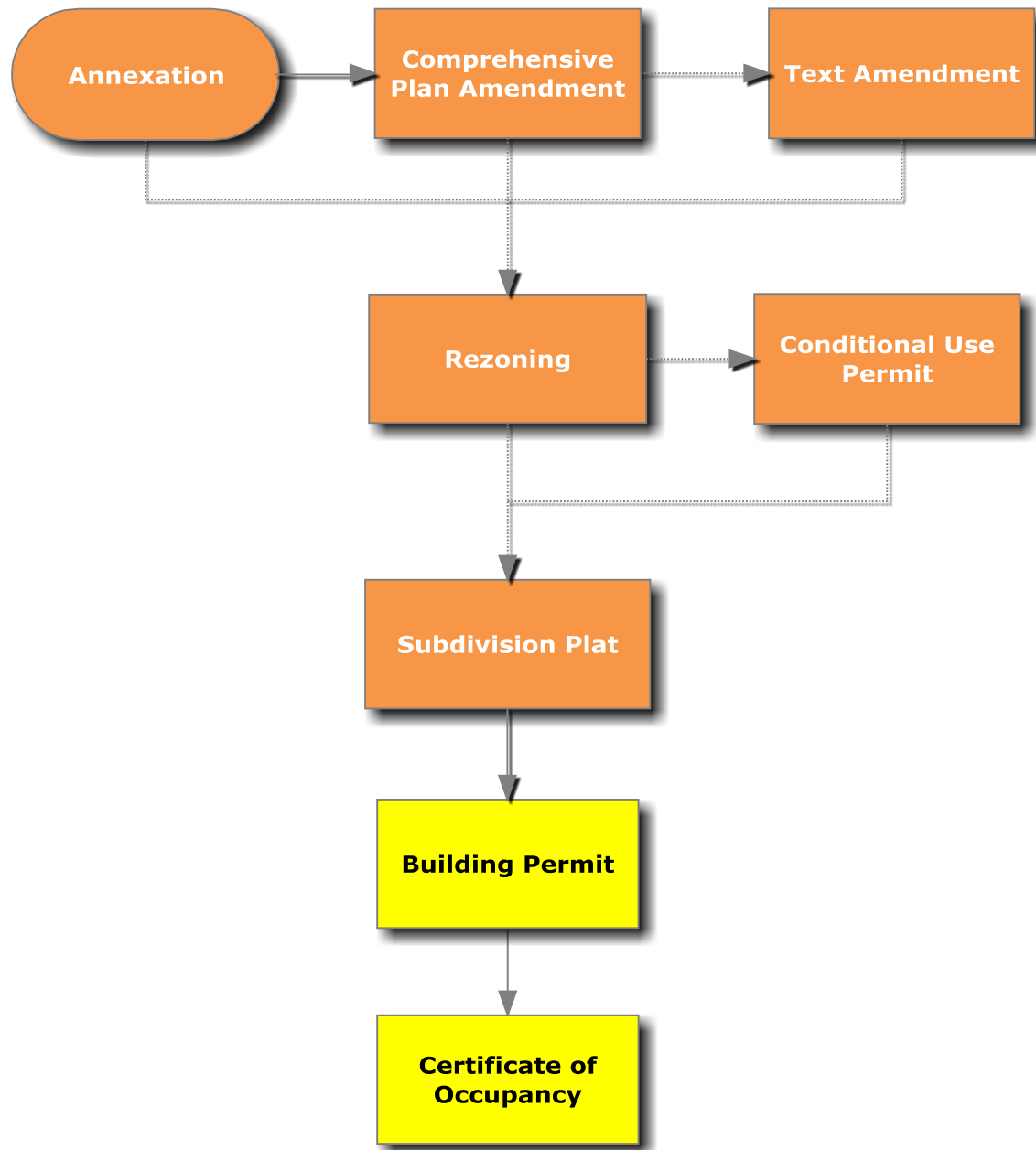


Figure 89-44-2 Overview of Legislative and Administrative Processes

## 89-45 How are applications filed?

### (a) What are the general requirements?

- (1) Applications filed under this Chapter must include the information required by Article 10 (Submittal Requirements). All applications shall be made on forms prepared by the LCG and available in the Planning Zoning and Development Department (“PZD”).
- (2) The Council may establish fees for all applications required in this Chapter by resolution. Any fees in effect at time of adoption or amendment of this Chapter remain in effect, unless and until they are revised by Council.

### (b) How are applications reviewed for completeness?

- (1) The LCG will not process incomplete applications.
- (2) An application is not complete until all required items are submitted (see Article 10).
- (3) When applications are filed, the Administrator will review them for completeness. A time period required by this Chapter to process an application does not commence until the Administrator determines that the application is properly submitted and the applicant has corrected any deficiencies in the application. Review for completeness of application forms is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with this Chapter.
- (4) The Administrator will determine whether the application is complete and will transmit the determination to the Applicant. If the Administrator determines that the application is not complete, the Administrator will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to complete the application. The Administrator and the decision making agency are not obligated to further review the application until the required information is corrected.
- (5) The Administrator or the approving authority may provide submission deadlines for materials required in support of any application provided for in Article 10. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the approving authority.



## 89-46 What are the general procedures for notice?

- (a) State law establishes various requirements for public notice. Unless otherwise provided, the notice established in this Article is as follows:

Table 89-46-1 Type and Description of Notice

Type of notice	Description
Publication	PZD will publish in a newspaper of general circulation throughout the parish, or the official journal of the Lafayette Consolidated Government.
Mail	PZD will mail the notices. Regular mail is sufficient, unless certified mail is required by a specific process or state law.
Signs	<ol style="list-style-type: none"><li>1. The applicant will provide and place weatherproof signs on the street right-of-way nearest the property.</li><li>2. All signs must be posted in visible locations. At least 1 sign is required for every 500 linear feet of the property frontage.</li><li>3. The sign shall be green in color, and at least 4 feet by 4 feet and at least 4 feet from the ground.</li><li>4. The sign shall include –<ul style="list-style-type: none"><li>• The type of proceeding (e.g. rezoning, preliminary subdivision plat, appeal, variance, etc.)</li><li>• The main phone number for the PZD, provided by PZD staff</li><li>• The PZD website address (URL), as provided by PZD staff</li></ul></li><li>5. The applicant shall, at its sole cost and expense, remove the sign(s) within 7 working days following the public hearing, unless the decision is appealed. If an appeal is filed and considered, the applicant shall remove the sign(s) within 7 working days after a final decision on appeal.</li></ol>

- (b) Notice shall include the following information, unless the process includes a different requirement.
- (1) Time, date, and place of the public hearing or meeting;
  - (2) The type of land use or development decision that is being considered;
  - (3) A telephone point of contact within the PZD;
- (c) LCG shall provide all notice required in this Section and throughout this Chapter. However, the failure of the LCG to provide any notice not otherwise required under State law shall not affect the validity of any action undertaken pursuant to this Chapter, and no person shall have the right to challenge such action for lack of notice where LCG has complied with the applicable State law governing notice..

## **89-47      What procedures apply to hearings?**

- (a) A public hearing gives interested parties an opportunity to be heard. The specific processes for providing testimony and conducting the hearing are established by the agency that conducts the hearing.
- (b) Where a public hearing is required for legislative action, the hearing may be called –
  - (1) By the Planning and Zoning Commission upon its own initiative, or
  - (2) At the direction of the Council.

## **89-48      Reserved**

## Division 2. General Processes

### 89-49 [RESERVED]

### 89-50 Comprehensive Plan Amendment

**(a) When does this process apply?**

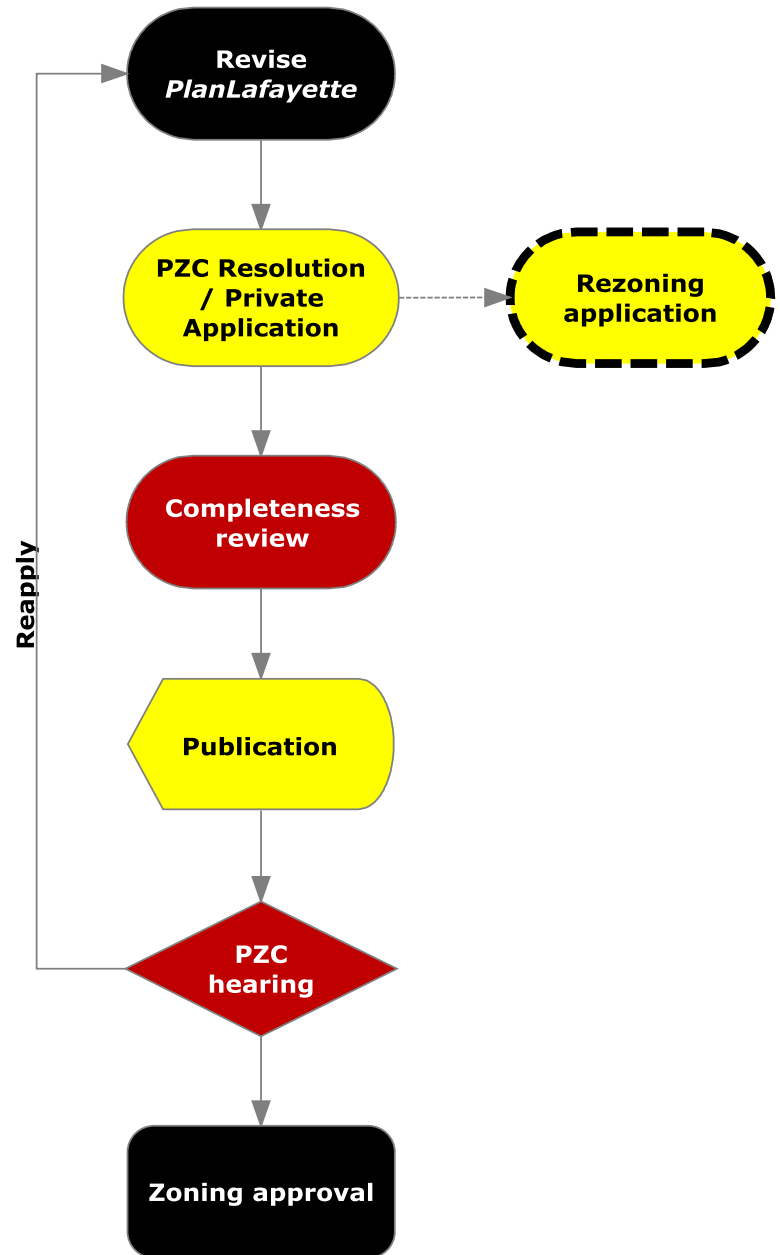
Louisiana provides for the development of a master plan for the physical development of the Parish and City (LRSA 33:106) and that zoning regulations are to be made in accordance with a comprehensive plan (LRSA §§ 33:4723, 33:4780.43). This section applies to any amendment to the Comprehensive Plan, whether it is initiated by the LCG, a citizen, or a property owner.

**(b) How do I start the process?**

- (1) The Planning and Zoning Commission may prepare a resolution to adopt or amend the plan.
- (2) A property owner may file an application to amend the Comprehensive Plan with the Zoning Administrator.
  - a. See Article 10 for application contents.
  - b. The property owner may submit plan amendment application (subject to subsection (2) above) with an application for rezoning. The Planning and Zoning Commission may, in its discretion, consider the rezoning application concurrent with the plan. However, the rezoning does not become effective unless the procedures required by § 89-52 and state law are followed.

**(c) How do I know if my application is complete?**

See § 89-45.



**(d) What kind of public notice is required?**

- (1) The following notice is required for a plan amendment hearing (Reference: LRSA 33:108):

Type	When provided
Publication	<ul style="list-style-type: none"><li>• At least 10 days before the scheduled hearing</li></ul>

- (2) If an applicant files a plan amendment concurrent with an application for rezoning, the notices required for the rezoning may also refer to the plan amendment.

**(e) How are decisions made?**

- (1) The Planning and Zoning Commission shall conduct a public hearing.
- (2) The Planning and Zoning Commission may –
- a. Adopt the plan amendment resolution, either as submitted or amended. The resolution shall refer expressly to the maps and descriptive and other matter intended by a commission to form the whole or part of a plan, or
  - b. Deny the plan amendment and terminate the amendment process.

(Reference: LRSA 33:108).

**(f) What are the standards for approval?**

A plan amendment is a legislative decision that is committed to the Planning and Zoning Commission's discretion. The Planning and Zoning Commission will consider whether the plan amendment is reasonable, including –

- (1) Whether the plan amendment is internally consistent with other parts of the plan, and
- (2) Whether the plan amendment is consistent with sound planning principles, and
- (3) Any other factors those agencies deem appropriate.

**(g) After a decision is made, is there a limit on subsequent applications?**

There is no limit on subsequent applications.

**(h) How is a decision appealed?**

Not applicable.

**(i) What are my next steps?**

A plan amendment does not authorize development. Any development that occurs after the plan amendment is adopted is subject to all applicable requirements of this Chapter.

**(j) How are records of the decision kept?**

The action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman or secretary of the commission (Reference: LRSA 33:108).

## 89-51 Text Amendment

### (a) When does this process apply?

This section applies to any proposal to amend, supplement, or change the regulations or standards established in this Chapter. What boundaries are you referring to?

### (b) How do I start the process?

A text amendment may be initiated by:

- a. The Council, by resolution, or
- b. Recommendation of the LCG administration, or
- c. The Planning or Zoning Commission through the introduction or adoption of a motion, or
- d. Petition or request by the general public or property owners.

### (c) How do I know if my application is complete?

See § 89-45.

### (d) What kind of public notice is required?

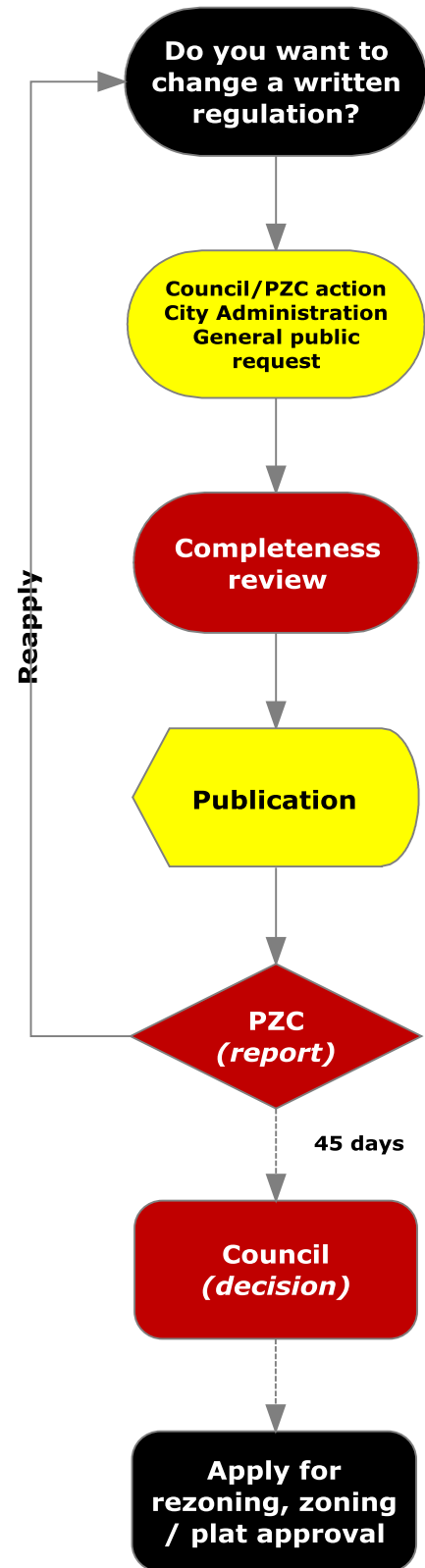
The following notice is required for a text amendment hearing (References: LRSA 33:112 [subdivision regulations]; 33:4724 [zoning amendments]):

Type	When provided
Publication	<ul style="list-style-type: none"> <li>At least 10 days before the scheduled Planning and Zoning Commission or (if required) Council hearings</li> </ul>

### (e) How are decisions made?<sup>1</sup>

- (1) The Planning and Zoning Commission may hold a public hearing on the proposed amendment after the required notice is provided.
- (2) The Planning and Zoning Commission shall submit a report with its recommendations relative to the amendment and its reasons for making the recommendation. The report shall be filed with the Council within 45 days after the date of the public hearing held to consider the amendment.

<sup>1</sup> Existing process for adoption by Council restored on advice of counsel.



- (3) If the Planning and Zoning Commission fails to submit a timely report and recommendation, the Council may take action on the amendment without the report and recommendation. Otherwise, the Council shall not take action to amend this Chapter, and no amendment to this Chapter is effective, until the Council receives the Planning and Zoning Commission's final report and recommendation.
- (4) After receiving the Planning and Zoning Commission's recommendation (or after the time period for a report and recommendation expires), the Council will adopt, adopt with revisions, or deny the amendment.

**(f) What are the standards for approval?**

An amendment is a legislative decision that is rendered by the Planning and Zoning Commission or Council's discretion. The agencies will consider whether the amendment is reasonable, including –

- (1) Whether amendment is consistent with the Comprehensive Plan, and
- (2) Whether the amendment is internally consistent with other parts of this Chapter, and
- (3) Whether the amendment is consistent with sound planning principles, and
- (4) Any other factors those agencies deem appropriate.

**(g) After a decision is made, is there a limit on subsequent applications?**

There is no limit on subsequent applications.

**(h) How is a decision appealed?**

Not applicable.

**(i) What are my next steps?**

- (1) An amendment is effective 15 days after the date when it is adopted.
- (2) A text amendment does not authorize development. Any development that occurs after the amendment is adopted is subject to all applicable requirements of this Chapter.

**(j) How are records of the decision kept?**

See LCG Charter, § 2-16.

## Division 3. Zoning Processes

### 89-52 Rezoning

**(a) When does this process apply?**

This section applies to any amendment to the Zoning Map, referred to as a “rezoning.”

**(b) How do I start the process?**

(1) A rezoning may be initiated by:

- a. The council, by introduction of an ordinance, or
- b. Recommendation of the LCG administration, or
- c. The Planning and Zoning Commission, by adopting a motion, or
- d. Petition by the owner of the affected property filed with the PZD.

(2) A property owner-initiated rezoning petition shall be duly signed and acknowledged by the owner, or authorized agents of over 50% of the land area of land for which a rezoning is requested. However, that where any lot located in the proposed rezoning area is owned in indivision, all co-owners must sign the petition for that lot to be included in the 50% area provision.

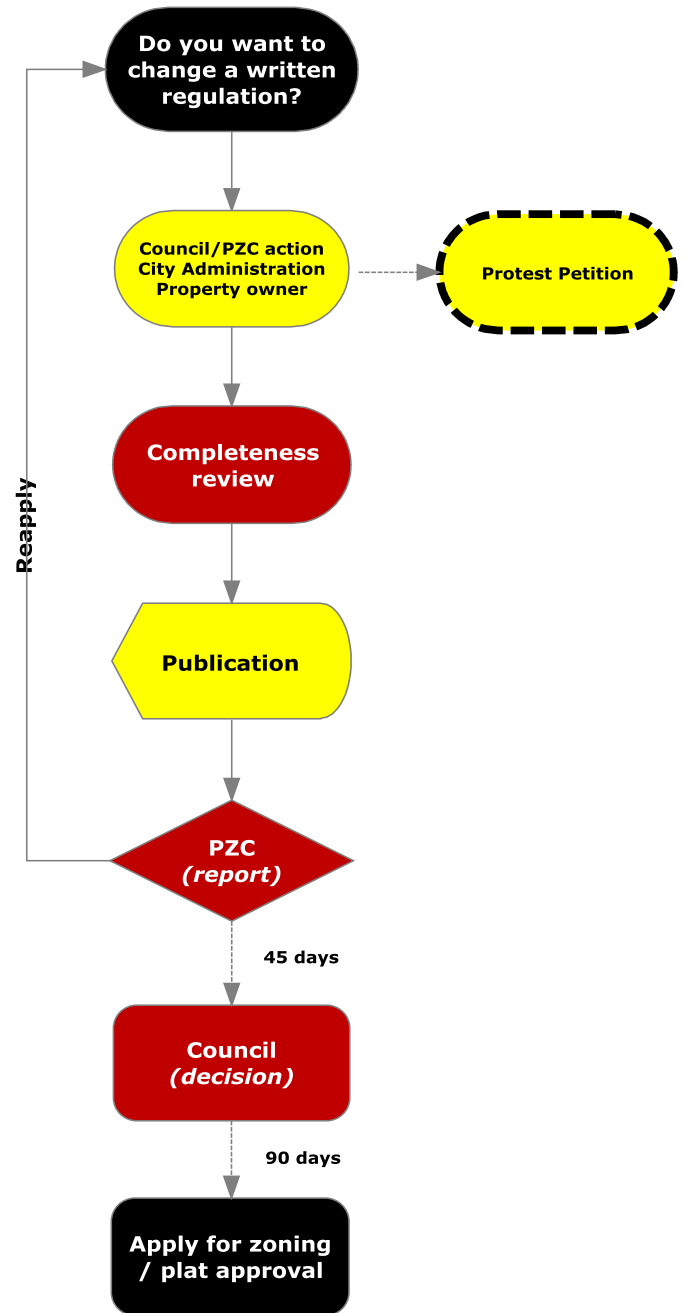
**(c) How do I know if my application is complete?**

See § 89-45.

**(d) What kind of public notice is required?**

The following notice is required for a rezoning hearing (References: LRSA 33:4724 [zoning amendments]):

Type	When provided
Publication	<ul style="list-style-type: none"> <li>At least 3 times if published in the official journal</li> <li>At least 10 days between the first publication and the hearing</li> </ul>
Signs	<ul style="list-style-type: none"> <li>PZD will place signs on or before the first date of publication before the meeting.</li> </ul>



- |             |   |
|-------------|---|
| <b>Mail</b> | <ul style="list-style-type: none"><li>• The PZD will mail notice at least 10 days before the public hearing.</li><li>• Notice is provided, at a minimum, to the owner or owners of record of the properties to be zoned or rezoned.</li></ul> |
|-------------|---|

**(e) How are decisions made?<sup>2</sup>**

**(1) Meeting Schedule.** The Planning and Zoning Commission will publish a schedule of meeting dates for rezoning petitions. Action will be taken on petitions that are filed at least 40 days prior to the date of a scheduled hearing.

**(2) Planning and Zoning Commission Report and Recommendation**

- a. The Planning and Zoning Commission may hold a public hearing on the proposed amendment after the required notice is provided.
- b. The Planning and Zoning Commission shall submit a report with its recommendations relative to the rezoning and its reasons for making the recommendation. The report shall be filed with the Council within 45 days after the date of the public hearing held to consider the amendment.

**(3) Council Action**

- a. If the Planning and Zoning Commission fails to submit a timely report and recommendation, the Council may take action on the rezoning without the report and recommendation. Otherwise, the Council shall not take action to rezone, and the rezoning is not effective, until the Council receives the Planning and Zoning Commission's final report and recommendation.
- b. After receiving the Planning and Zoning Commission's recommendation (or after the time period for a report and recommendation expires), the Council will adopt, adopt with revisions, or deny the rezoning.
- c. A Council decision to approve a rezoning shall occur within 90 days from the date upon which the Planning and Zoning Commission files its report and recommendation to Council was filed or the time to file the report and recommendation expires, unless a motion is made to extend this time period.
- d. If a protest petition is filed, an ordinance approving the rezoning requires a majority of the members of the Council who are present and voting.

**(4) Conditional rezoning.** The rezoning decision may –

- a. Limit the property to specified uses that are allowed in the zoning district, or
- b. Attach appropriate conditions to mitigate the impacts of the proposed development such as, restrictions relative to the site plan and any future modifications, setback requirements, and other restrictions appropriate to mitigate the impacts of the development.

**(f) What are the standards for approval?**

---

<sup>2</sup> Existing process for adoption by Council restored on advice of counsel.



- (1) A rezoning is a **legislative** decision that is committed to the Planning and Zoning Commission or Council's discretion.
- (2) The agencies will consider whether the amendment is reasonable, including –
  - a. **Consistency.** Whether the proposed rezoning is consistent with the Comprehensive Plan.
  - b. **Mistake.** Whether there was a mistake in the original Zoning map or text
  - c. **Change.** Whether there are changes in conditions or densities in the area that justify a rezoning? (Examples include new roads or road expansions, new development, closures, and demolitions).
  - d. **Health, Safety & General Welfare.** Whether the rezoning promotes the community's public health, safety, morals or general welfare.
  - e. **Compatibility.** Whether the proposed rezoning is –
    1. Compatible with surrounding land uses, and
    2. Would adversely impact the neighboring properties, or
    3. Cause a loss in property values.
  - f. **Suitability as Presently Zoned.** Whether the property under consideration for rezoning has a reasonable economic use as currently zoned.
  - g. **Other Factors.** The Planning and Zoning Commission or Council may consider any **other** factors relevant to a rezoning application under Louisiana law.

**(g) How is a decision appealed?**

Not applicable.

**(h) After a decision is made, is there a limit on subsequent applications?**

- (1) This subsection applies to a rezoning petition that –
  - a. Is finally acted upon by the Council, or
  - b. Receives no action by the Council, within 90 days, or
  - c. Is officially advertised for public hearing before the Planning and Zoning Commission or Council but is subsequently withdrawn.
- (2) If subsection (g)(1) applies, the Council shall not consider any further petition requesting or proposing the same or less restrictive amendment for the same property within a period of 2 calendar years. This 2-year period begins on the date of the final legal action on the petition or the date of the expiration of the 90-day period in subsection (1) b above, or the date of withdrawal of the officially advertised petition.
- (3) This provision does not apply to a comprehensive zoning revision of an area larger than 20 acres.

**(i) What are my next steps?**

- (1)** If a **building or buildings exist** and there is **no proposed new construction**, the applicant shall submit to the Planning and Zoning Commission an application stating the proposed use of the property.
  - a.** The Planning and Zoning Commission may recommend a time limit within which the applicant shall apply for a certificate of occupancy in conformity with the proposed use. The time limit shall be no more than 6 months from the final decision.
  - b.** If applicant ceases to use the property for the specific purpose for which the application is made and the cessation of use continues for a consecutive 1-year period, the property shall, without any action on the part of the Planning and Zoning Commission, revert to its original zoning classification.
- (2)** If new construction is proposed, the rezoning may include a condition that a site plan be approved by the Commission or Council and filed with the Zoning Administrator and PZD.
  - a.** All site improvements shall be completed within 18 months, unless for good cause shown, the rezoning decision provides a longer period. If, at the end of this period, construction is not complete, the Administrator may extend the time period by 3 months if substantial progress has been made. Securing a permit for construction does not constitute substantial progress. For purposes of this subsection, “substantial progress” means that at least: -
    - 1.** Footings are poured for at least 75% of the building floor area, or
    - 2.** At least 25% of all buildings or structures are completed and issued a certificate of occupancy, or
    - 3.** At least 50% of all site improvements required by a condition of approval and Article 3 are completed.
  - b.** All improvements to the site shall be constructed in conformity with the approved plan.
  - c.** Any required plan may include, but is not limited to, a floor plan, elevations, site plan, plot plan, and other items required by the rezoning decision.

**(j) How are records of the decision kept?**

See LCG Charter, § 2-16.

## 89-53 Conditional Use Permit

### (a) When does this process apply?

This section applies to any use designated as a conditional use in the applicable zoning district (see § 89-23)).

### (b) How do I start the process?

- (1) The applicant files an application for a conditional use permit with the Administrator.
- (2) The applicant may file an application for a conditional use permit concurrent with an application for rezoning.

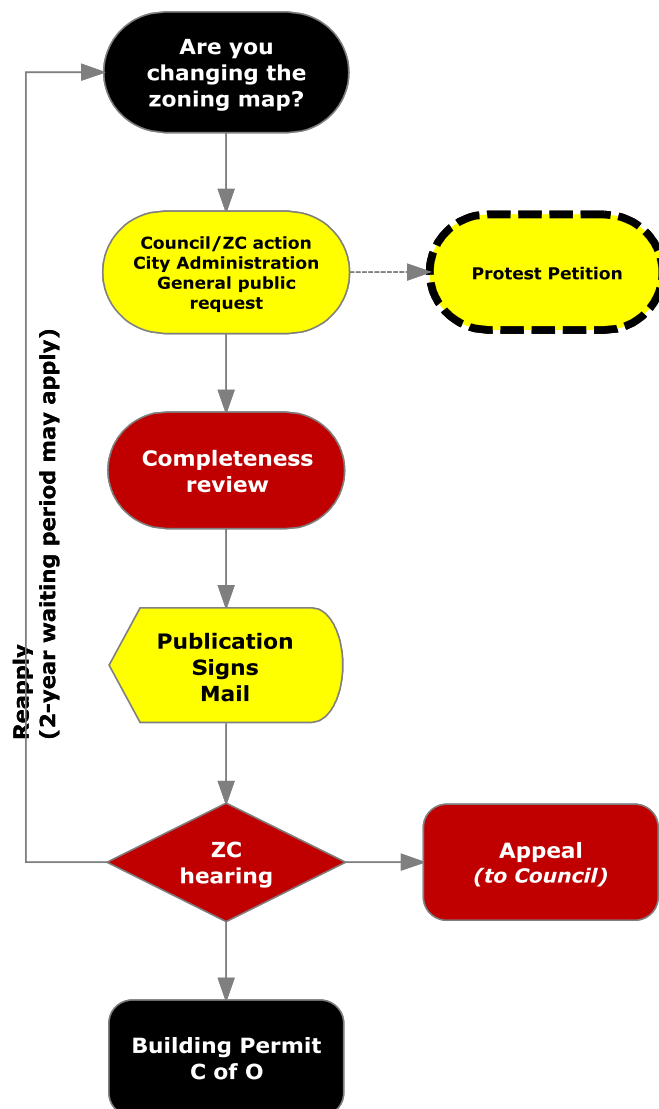
### (c) How do I know if my application is complete?

See § 89-45.

### (d) What kind of public notice is required?

The following notice is required for a conditional use permit hearing:

Type	When provided
Mail	<ul style="list-style-type: none"> <li>The applicant will mail notice at least 10 days before the public hearing.</li> <li>Notice is provided to all of the immediate adjacent property owners of record and the owners of the property immediately adjacent to that property per the latest tax assessor's tax rolls. Property directly across the public road from the reclassification site is treated as adjacent property.</li> </ul>
Signs	<ul style="list-style-type: none"> <li>at least 14 days before the scheduled Planning and Zoning Commission hearing</li> </ul>



### (e) How are decisions made?

- (1) The Planning and Zoning Commission will publish a schedule of meeting dates for conditional use permits. Action will be taken on applications that are filed at least 40 days prior to the date of a scheduled hearing.
- (2) The Planning and Zoning Commission shall conduct a public hearing and may –
  - a. Approve the application by resolution, with or without conditions, or
  - b. Deny the conditional use permit and terminate the process.
- (3) The Planning and Zoning Commission's decision is final unless a party appeals (see § 89-67).

**(f) What are the standards for approval?**

Conditional uses shall comply with the following standards:

- (1) The proposed use is consistent with the Comprehensive Plan, and
- (2) The proposed use is consistent with all applicable requirements of this Chapter, including –
  - a. The applicable zoning regulations, and
  - b. Any applicable development standards in Article 3, and
  - c. Any applicable supplemental use regulations in Article 5, and
- (3) The proposed conditional use is compatible with the character of the neighborhood within the same zoning district in which it is located. The proposal, as submitted or modified, shall have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than would any other use generally permitted in the same district. In making this determination, the Planning and Zoning Commission will consider the location, type and height of buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any policy of the Comprehensive Plan that encourages mixed uses and/or densities.
- (4) Adequate utilities shall be provided as set forth in the utilities standards of this chapter.
- (5) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.
- (6) The proposed use shall not be noxious or offensive by reason of emissions, vibration, noise, odor, dust, smoke or gas.
- (7) The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, or substantially diminish or impair the property values within the neighborhood.
- (8) The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
- (9) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

**(g) After a decision is made, is there a limit on subsequent applications?**

- (1) This subsection applies to a conditional use permit application that –
  - a. Is finally acted upon by the Planning and Zoning Commission or Council, or
  - b. Receives no action by the Planning and Zoning Commission or Council, within 90 days, or
  - c. Is officially advertised for public hearing before the Planning and Zoning Commission but is subsequently withdrawn.

- (2) If subsection (g) (1) applies, the Planning and Zoning Commission will not consider another petition requesting or proposing the same use for the same property within a period of 2 calendar years. This 2-year period begins on the date of the final legal action on the petition or the date of the expiration of the 90-day period in subsection (1) b above, or the date of withdrawal of the officially advertised petition.

**(h) How is a decision appealed?**

See § 89-67.

**(i) What are my next steps?**

A conditional use permit does not authorize development. After a conditional use permit is approved, the applicant may file an application for a building permit or certificate of occupancy (see Division 5).

**(j) How are records of the decision kept?**

The Administrator and the applicant shall maintain copies of the conditional use permit approval, and all supporting documentation.

## Division 4. Subdivision Processes

### 89-54 Subdivision Plats, Generally

*Purpose: these regulations implement the Comprehensive Plan and this Chapter by –*

- *establishing a procedure to approve plats and maps that subdivide or resubdivide real property, and*
- *examining subdivision plats and maps to ensure that they comply with this Chapter; and*
- *protecting the health, safety and general welfare of the people of the City and Parish of Lafayette and their property.*

*These subdivision regulations are authorized under R.S. 33:101—33:119, as amended, and this ordinance is declared to be in accordance with all provisions of those statutes.*

#### (a) When does this process apply?

- (1) Except as provided below, this Division applies to any “subdivision” as defined in LRSA 33:101.

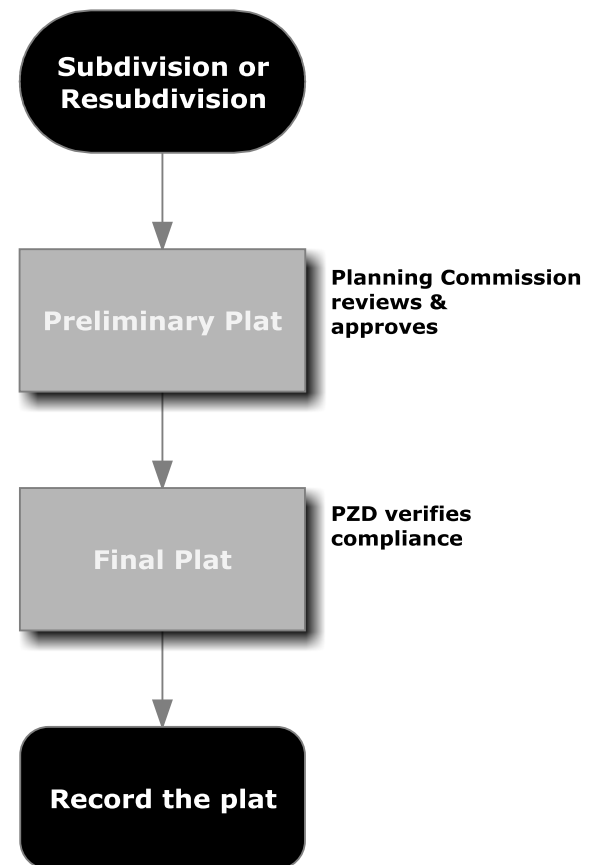
| Comment: the statutes define “subdivision” as follows:

- "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development, and, with regard to parishes, for the purpose of sale or of building development for purposes other than agricultural. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.
- "Resubdivision", in addition to being synonymous with "subdivision", means and shall also include the consolidation of two or more lots, plats, tracts, parcels, or other divisions of land into one or more lots, plats, tracts, parcels, or other divisions of land.

- (2) This Division does not apply to Any subdivision exempt from regulation by LRSA Title 33, Chapter 1, Part 4, Subpart A, but only to the extent that the statute provides an exemption.

- (3) This Division applies to all lands located within –

- a. The legal boundaries of the City of Lafayette as now exists or as may subsequently be changed by future annexation, and
- b. The unincorporated areas of Lafayette Parish.



**(b) How does the overall process work?**

- (1)** There are 2 steps for subdivision plat review:
  - a.** Preliminary plat approval by the Planning and Zoning Commission, and
  - b.** Final plat review by the PZD prior to recording the plat.
- (2)** The usual type and sequence of actions is as follows:
  - a.** The Planning and Zoning Commission –
    - 1.** Approves or tentatively approves the preliminary plat with conditions, or
    - 2.** Defers approval of the preliminary plat until the next regular meeting (not to exceed 60 days) if necessary, and
    - 3.** Approves, approves with conditions, or disapproves the preliminary plat.
  - b.** The Final Plat is submitted to PZD for recording.
- (3)** The Planning and Zoning Commission may allow the concurrent processing of preliminary plats and final plat if –
  - a.** A preliminary plat has expired and the resubmitted plat is prepared in final form in full compliance with the previous approval conditions, and no changes are proposed within the original plat boundary. This only allows concurrent processing, but not approval. The resubmitted plat must comply with all regulations in effect when it is resubmitted.
  - b.** The plat is prepared in final form and covers a single tract or unrestricted reserve contained within a general overall plan or street dedication plat previously approved by the commission, and where no new or additional streets or lots are proposed to be created and established.
  - c.** An application is received containing an instrument to vacate a subdivision to convert it to acreage rather than replat or resubdivide the property.
  - d.** The plat is a correction plat.
  - e.** The plat submitted contains 5 lots or less.
  - f.** The entire subdivision fronts on an existing dedicated, constructed, and accepted parish or municipal street or road.
  - g.** The Planning and Zoning Commission finds that other special circumstances exist, after considering the question of special circumstances at a public meeting.
- (4)** The applicant for a subdivision approval has the burden of proof to demonstrate full compliance with the applicable requirements of this Chapter.

## 89-55 Pre-Application Sketch Plan (Optional)

**(a) When does this process apply?**

A sketch plan is an optional, informal process that allows the applicant to meet with LCG staff to gain an understanding of the comprehensive plan, the regulations in this Chapter, and approval process. The intent of this procedure is to assist the subdivider in preparing a plan that meets the requirements of this Chapter, and to permit the processing of the preliminary plat in an expeditious manner.

**(b) How do I start the process?**

The subdivider submits to the Planning Administrator a sketch plan of the proposed subdivision. See Article 10 for submittal requirements.

**(c) How do I know if my application is complete?**

See § 89-45.

**(d) What kind of public notice is required?**

No public notice is required.

**(e) How are decisions made?**

The Planning Administrator or the subdivider may request a conference to review the proposed subdivision.

**(f) What are the standards for approval?**

A sketch plan review is not a formal process. The Planning Administrator and any reviewing agencies will consult the standards in this Chapter and the Comprehensive Plan in providing their comments to the applicant.

**(g) After a decision is made, is there a limit on subsequent applications?**

There is no limit on subsequent applications.

**(h) How is a decision appealed?**

Not applicable.

**(i) What are my next steps?**

The sketch plan is not binding on either the applicant or the LCG. After receiving the Planning Administrator's comments, the applicant may file an application for preliminary plat approval.

**(j) How are records of the decision kept?**

No records of the decision are kept.



## 89-56 Preliminary Plat

*Purpose: The purpose of preliminary plat is to review and check the proposed subdivision against the specific design standards and improvements required as set forth in this Chapter. The preliminary plat is more detailed than the pre-application sketch plan and, consequently, shows the entire area proposed to be subdivided.*

### (a) When does this process apply?

Preliminary plat approval is required for all unplatted property that has not been approved by the Planning and Zoning Commission or before a building permit can be obtained. Preliminary plat approval is required before a final plat is submitted.

### (b) How do I start the process?

- (1) The applicant files an application for preliminary plat approval with the Planning Administrator.
- (2) The applicant may file an application for rezoning or conditional use permit approval concurrent with an application for preliminary plat approval.

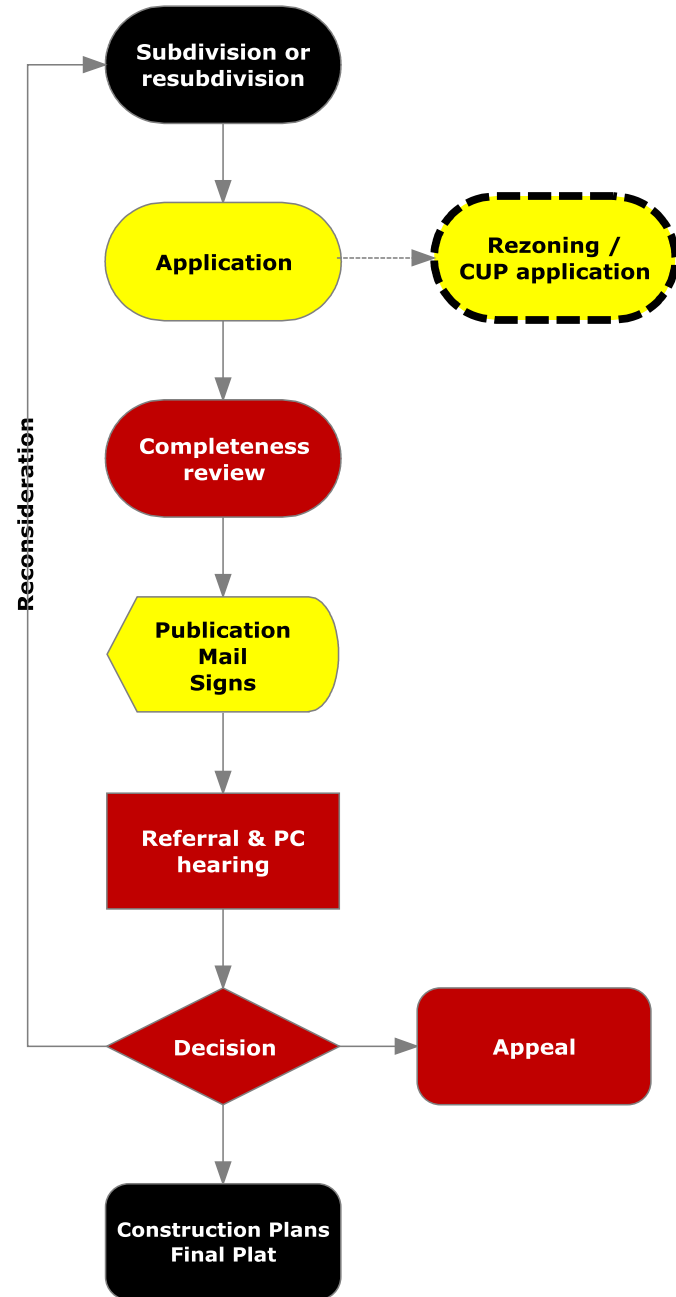
### (c) How do I know if my application is complete?

See § 89-45.

### (d) What kind of public notice is required?

The following notice is required for a preliminary plat hearing (Reference: LRSA 33:113):

Type	When provided
<b>Publication</b>	<ul style="list-style-type: none"> <li>10 days before the scheduled hearing</li> </ul>
<b>Regular Mail</b>	<ul style="list-style-type: none"> <li>5 days before the scheduled hearing</li> <li>Notice is mailed to owners of property located within 300 feet of the proposed development as determined by reference to the most current tax rolls as periodically updated by the Lafayette Parish Tax Assessor.</li> <li>If the owner of any property within 300 feet of a proposed subdivision is a condominium development, the notices shall be sent to the condominium association who will provide the notice to each condominium unit owner.</li> </ul>
<b>Signs</b>	In addition to the information required by 89-46, signs shall state- The total number of proposed lots; and The statement "A subdivision is proposed for this site"



**(e) How are decisions made?**

- (1) The Planning Administrator will refer the preliminary plat to the following departments or agencies for review and comment, as appropriate. Failure to receive comments from an agency within the allotted time period for preliminary plat review is deemed a tacit approval by the agency:
  - a. LCG, Department of Public Works.
  - b. City of Lafayette, Lafayette Utilities System (LUS).
  - c. City of Lafayette, Fire Department.
  - d. Private and public utilities serving the area.
  - e. The PZD.
  - f. Any other agencies or departments who may provide relevant comments about the proposed subdivision.
- (2) The Planning Administrator shall fix a date for a public hearing of a completed preliminary plat.
- (3) The Planning and Zoning Commission shall conduct a public hearing and shall approve, conditionally approve, or deny the preliminary plat application.
- (4) During the course of the public hearing, the applicant may modify the plat to address issues raised by the Planning and Zoning Commission.
- (5) After the public hearing is closed, the Planning and Zoning Commission shall render a decision.
- (6) Approval is expressed as preliminary approval which is revocable and not entered on the plat. The Planning and Zoning Commission will state conditions in writing. If the preliminary plat is disapproved, the Planning and Zoning Commission will state the reasons in writing.
- (7) The Administrator shall notify the subdivider in writing of the conditions of approval with any conditions of approval, as necessary, shown on the preliminary plat.

**(f) What are the standards for approval?**

- (1) The Planning and Zoning Commission will approve the preliminary plat if –
  - a. The application complies with all applicable requirements of this Chapter, and
  - b. The plat is consistent with the Comprehensive Plan.
- (2) Whenever the proposed subdivision contemplates a rezoning that is incompatible with, or nonconforming to, existing and updated comprehensive plans or zoning regulations, the subdivider shall:
  - a. demonstrate why conditions of the comprehensive plan should no longer apply, and,
  - b. complete the rezoning process prior to filing the application for preliminary plat approval.

**(g) After a decision is made, is there a limit on subsequent applications?**

- (1) When the Planning and Zoning Commission has denied any subdivision proposal, no reconsideration of any application will be granted unless:
  - a. The applicant certifies that circumstances and/or conditions have been changed or altered, or
  - b. The applicant certifies that data used or provided in analysis of the proposed subdivision was inaccurate, and that the applicant could not have been aware of the inaccuracy for reasons beyond its control, or
  - c. Additional information has become available which was not available when the public hearing occurred.
- (2) A reapplication is subject to all procedures required by the original submittal.

**(h) How is a decision appealed?**

See § 89-67.

**(i) What are my next steps?**

- (1) Tentative approval of the preliminary plat is not approval of the final plat. Rather, it is considered an expression of approval of the layout submitted on the preliminary plat.
- (2) Receipt of a copy of the preliminary plat, indicating the Planning and Zoning Commission's approval conditions, authorizes the subdivider to proceed with the preparation of construction plans (see Article 10) and specifications in accordance with the improvements required in Article 3.
- (3) The subdivider shall submit the necessary construction plans; specifications and documents for the required public improvements to the Department of Public Works and LUS (see Article 10 for submittal requirements).
- (4) Following the approval of construction plans by the respective department, the applicant may –
  - a. Begin construction of the improvements, or
  - b. Construct at least 80% of the improvements, and furnish an improvement agreement guarantee for 125% of the estimated cost of the remainder of the improvements. The improvement agreement guarantee shall be submitted to the respective department charged with the responsibility of those improvements. The improvement agreement guarantee, along with the completed construction plans, and/or bank letter of credits, will allow the developer to present his final plat to the PZD for approval.
- (5) Preliminary plat approval is effective for an initial period of 1 year.
  - a. Final construction plans and drawings must be submitted to and approved by the Department of Public Works and the Utilities Department, Engineering Division during this time period.

- b. Subsequent to approval of these final construction plans and drawings, preliminary plat approval is automatically extended for a period of 6 months. The Planning Administrator may extend these time periods if the applicant demonstrates that reasonable progress has been made.
- c. If the final plat is not submitted within this time limit, a preliminary plat must be resubmitted and processed as an original preliminary plat.

**(j) How are records of the decision kept?**

A preliminary plat application is not recorded. The Administrator will maintain a record of approved preliminary plats. The applicant must maintain a copy of the approved preliminary plat, including any attachments.

## 89-57 Final Plat

### (a) When does this process apply?

- (1) Final plat approval is required before a plat is recorded or filed in the office of the clerk of court of the Lafayette Parish.
- (2) Final plat is filed after the preliminary plat is approved.

### (b) How do I start the process?

- (1) The proposed final plat for approval is filed with the Administrator.
- (2) The final plat may represent all or part of a subdivision, in the case of phase development, which has received preliminary approval.

### (c) How do I know if my application is complete?

See § 89-45.

### (d) What kind of public notice is required?

None required.

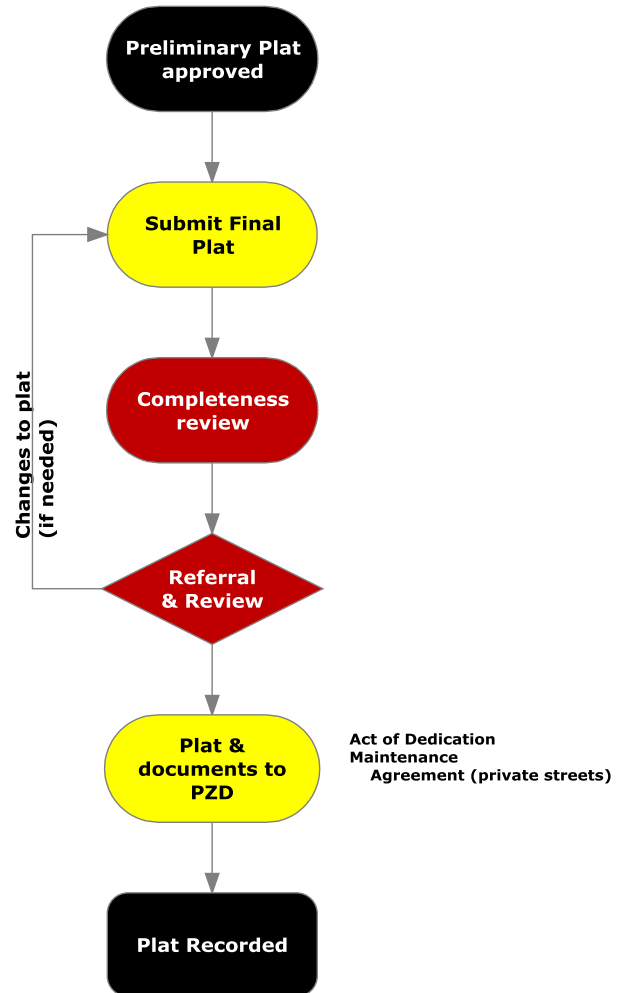
### (e) How are decisions made?

- (1) The Administrator (acting on behalf the Planning and Zoning Commission) will act on the final plat as provided below and in LRSA 33:113.
- (2) The Administrator, on behalf of the city Planning and Zoning Commission, will determine whether the final plat complies with the preliminary plat and is suitable for recording..
- (3) The approved final plat shall have the signature of the PZD Director of his/her designee.

### (f) What are the criteria for approval?

The Administrator or Planning and Zoning Commission shall approve the final plat if –

- (1) The final plat is consistent with all applicable requirements of this Chapter, including –
  - a. Within the City of Lafayette, the applicable zoning regulations, and
  - b. Any applicable development standards in Article 3, and
- (2) The final plat meets all requirements established during the preliminary plat approval process, and
- (3) The necessary improvements are constructed in accordance with the approved plans, or a satisfactory improvement agreement guarantee is submitted assuring their construction in accordance with the approved plans,



**(g) After a decision is made, is there a limit on subsequent applications?**

There is no limit on subsequent applications.

**(h) How is a decision appealed?**

Not applicable.

**(i) What are my next steps?**

- (1) A final plat does not authorize construction, except for the installation of improvements as provided above.
- (2) The final plat approval shall include an Act of Dedication of any dedicated streets, alleys, utility improvements or other public lands.
- (3) No building permit shall be issued or granted for the development or use of any land until a plat of the lot, parcel, or site of the proposed development is approved. Once the final plat is recorded the lots of the development are approved and a building permit can be obtained.

**(j) How are records of the decision kept?**

- (1) The Administrator shall record an approved and endorsed final plat in the Office of the Clerk of Court of Lafayette Parish by Administrator upon submittal of the approved final plat and appropriate recording fee.
- (2) If the applicant fails to present the final plat for recording within 6 months following the date of approval, the final plat is deemed void.

## 89-58 Acceptance of Improvements for Perpetual Maintenance

### (a) When does this process apply?

- (1) These procedures apply to all subdivision applications with public improvements or right-of-way relative to land which the LCG has jurisdiction.
- (2) For purposes of this section, a “dedication” means the appropriation of land by the owner to some public use.
- (3) This section establishes the procedures to transfer the maintenance of the development’s improvements as granted to the public from the developer to LCG.
- (4) A public and/or private street, utility or other servitude, right-of-way or other right granted to the public, is established when designated on a final plat. The recorded plat does not establish an obligation of perpetual maintenance by the governing body.

### (b) How do I start the process?

- (1) An Act of Dedication shall be submitted to the Administrator in compliance with appropriate submission requirements.
- (2) Property is to be dedicated at the time of plat approval, the dedicated public or private property shall be shown on the plat submitted for recordation.
- (3) The plat shall contain the information required for final plats generally, and, with regard to the areas dedicated, shall contain the additional data required by Article 10.

### (c) How do I know if the Act of Dedication is complete?

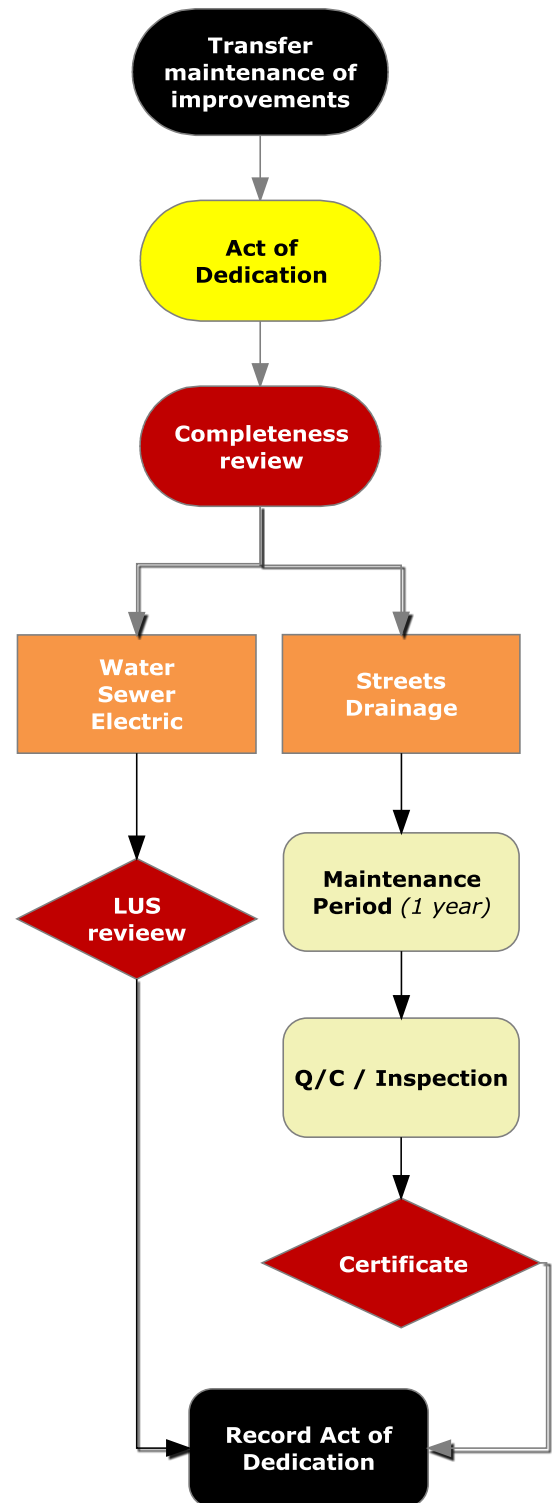
See § 89-45. No application is required.

### (d) What kind of public notice is required?

Formal public notice is not required.

### (e) How are decisions made?

- (1) Water, Sewer, and Electricity
  - a. The Administrator will forward the proposal to the Lafayette Utilities System (LUS), for the approval authority for utilities under its jurisdiction.
  - b. The LUS shall either accept or reject the offer of dedication.



(2) Streets and Drainage

- a. Prior to completion of the one-year warranty period, the developer shall notify the Public Works Department, Engineering Division, in writing and request an inspection.
- b. The public works department shall inspect the improvements and shall provide the developer a list of items to be completed or corrected. The Public Works Department will then reinspect the improvements and, when the items are completed, provide a letter to the PZD that they are accepting maintenance of the improvements, and a report to the Planning and Zoning Commission.
- c. The Planning and Zoning Commission will consider the report and render a decision as to whether to accept the improvements.

(3) Until the developer has obtained written acceptance for perpetual maintenance of the improvements, the developer is responsible for all maintenance and repair to the improvements. The Planning and Zoning Commission will not consider perpetual maintenance by LCG until 1 year has elapsed since the plat is recorded, and then only if the improvements pass inspection and are accepted in writing by the Public Works Department.

(4) If public infrastructure failure or deficiency occurs within one year of the date that the plat is recorded (the warranty period), the developer shall perform satisfactory repairs prior to acceptance for perpetual maintenance. Acceptance for perpetual maintenance will not be considered for any development with an outstanding letter of credit associated with the public infrastructure (i.e. roadway, drainage, sidewalks, street lights, etc.)

(5) After the LCG accepts the improvements for perpetual maintenance, a certificate identifying the public street(s) or other improvement which have been accepted for perpetual maintenance shall be recorded with the Clerk of Court of Lafayette Parish.

(f) What are the criteria for approval?

(1) Acceptance by **LUS** for the perpetual maintenance of utilities systems requires certification of the Engineer that all improvements are complete and in compliance with LUS standards. This requirement applies to all subdivisions and commercial building sites.

(2) **Construction quality control.** For a subdivision to be recommended for acceptance by Public Works Engineering, certification must be received from the design engineers that the subdivision and the commercial building site was constructed according to the approved construction plans.

- a. The latest edition of LCG's "Standard Specifications for Roads, Drainage, Bridges and Other Infrastructure Improvements" shall be used as a guide for construction quality and is incorporated in the development regulations by reference. However, since LCG does not inspect the construction of developments, the construction tolerances stated in the standard specifications do not apply. The design engineers must certify the completeness and acceptance of the improvements.



- b.** The developer shall retain the inspection service of the design engineering firm or independent testing laboratory to assure compliance with construction plans and specifications and standard construction practices for the following nonexclusive particulars:

    - 1.** Back-fill of culverts or utility lines crossing roadway;
    - 2.** Compaction of roadway sub-grade;
    - 3.** Processing of road base, including application of lime if deemed necessary;
    - 4.** Installation of storm sewers, especially line and grade;
    - 5.** Roadway surface construction;
    - 6.** Post-construction testing of water and sewerage collection system;
    - 7.** Resident inspection of water, wastewater, and electrical systems for the acceptance of LUS.
  - c.** The cost of inspection services shall be borne by the developer. All test results shall be reported to Public Works Engineering and LUS with copies to the developer and/or his representative.
  - d.** A certified inspector shall be present at the asphalt or concrete batch plants whenever material is prepared for use in construction of the development infrastructure and shall certify that the material used was of approved quality and in conformity with the specifications.
  - e.** Public Works Engineering shall be notified when construction of a subdivision commences and when base course (if asphaltic concrete is used) construction is to be done.
  - f.** The developer's design engineer shall submit the geotechnical reports and recommendations for the roadway typical section(s) to Public Works Engineering before construction of the soil cement base course.
  - g.** Laboratory testing reports shall be approved by the developer's design engineer and provided to Public Works. Required reports are as follows:

    - 1.** Atterberg limits of soil at the base course grade;
    - 2.** Lime and/or cement determination for base course;
    - 3.** Compaction tests of road sub-grade and base course;
    - 4.** Design mix for asphaltic concrete;
    - 5.** Design mix for Portland cement concrete;
    - 6.** Compressive strength testing for structural concrete and concrete pavement;
    - 7.** Coring of roadways.
- (3)** The design engineer shall certify as acceptable and submit to the City-Parish Engineer for approval of materials to be used for storm sewers.

**(g) What are my next steps?**

- (1)** A dedication shall irrevocably vest the public with title to the items so dedicated, subject to the right of the governing authority to abandon, revoke or dispose of any public property or dedication. This is done at final plat recordation when the Act of Dedication is recorded.
- (2)** When a private street is established in a subdivision, the designated private street shall be owned by the developer or another private entity or entities.
- (3)** Nothing contained herein shall operate to negate or alter the provisions of R.S. 33:5051, or any other statutory provisions relative to dedication or the jurisprudence interpreting same.

## 89-59 Minor Plat (Hearing Examiner)

### (a) When does this process apply?

- (1) A plat that meets the following criteria shall be submitted to the Hearing Examiner for examination and review:
  - a. The development creates no more than 5 lots and does not exceed 5 acres; and
  - b. The proposed plat does not create new public or private streets or involve private streets that were not previously approved by the Planning and Zoning Commission; and
  - c. The Applicant –
    1. Owns no property adjacent to the proposed development, or
    2. the Applicant has not submitted any other application for a subdivision of adjacent property owned by the applicant from the total property owned by the applicant within 1 year prior to the current application (note: applications for lot line adjustments are not considered applications for a subdivision of property as provided here).
- (2) If subsection (1) applies, the Hearing Examiner may approve both the preliminary plat and final plat.

### (b) How do I start the process?

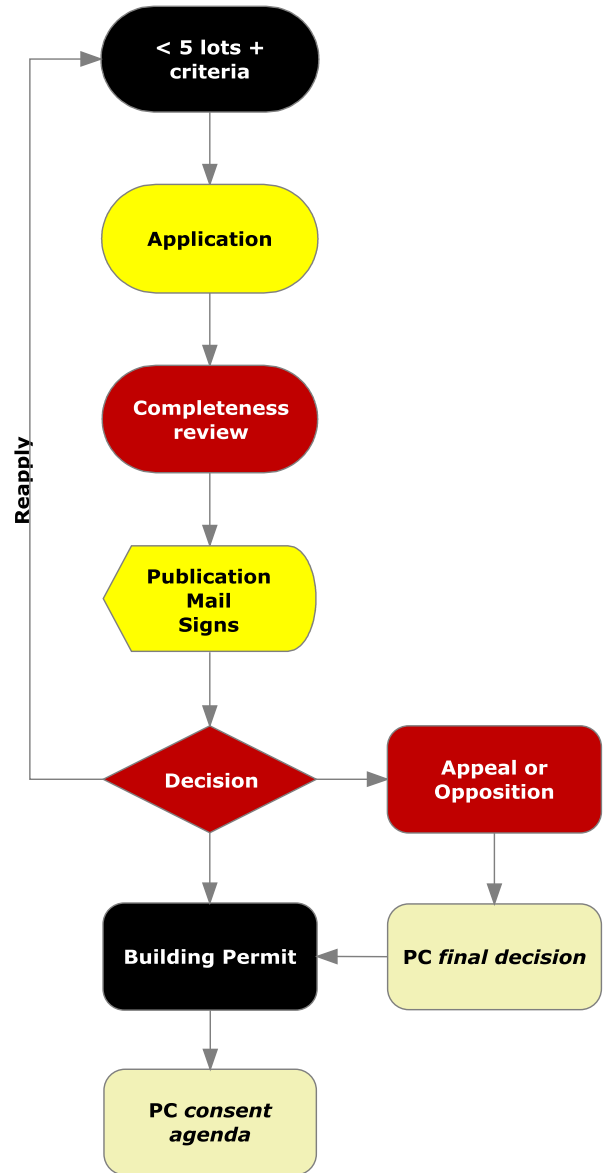
The applicant files an application for minor plat approval with the Planning Administrator.

### (c) How do I know if my application is complete?

See § 89-45.

### (d) What kind of public notice is required?

The Hearing Examiner meetings and the subsequent Planning and Zoning Commission meeting are subject to the notice requirements of § 89-56(d) (Preliminary Plat).



**(e) How are decisions made?**

- (1)** Prior to the hearing, the hearing examiner shall obtain consultation, comments and input from appropriate City-Parish departments and public agencies.
- (2)** The Hearing Examiner shall schedule regular meetings at specific times and dates at least 2 times per month. The Hearing Examiner may cancel a meeting if no items are submitted for review. The Hearing Examiner will meet with the subdivision applicant and any interested party the specific times and dates set for the regular meetings.
- (3)** At this meeting, the Hearing Examiner shall:
  - a.** Render a tentative decision, subject to approval, modification or rejection by the Planning and Zoning Commission.
  - b.** Issue a written decision with the official tentative decision.
  - c.** Advise the applicant of the date when the Planning and Zoning Commission will consider the plat application.
- (4)** If there is no opposition to the Hearing Examiner's decision, that decision is considered final for purposes of issuance of a building permit only, subject to approval on a consent agenda at the next available Planning and Zoning Commission meeting.
- (5)** If a party with standing requests review, the Planning and Zoning Commission will review the Hearing Examiner's decision and render a final decision. The Planning and Zoning Commission may approve, modify or reverse the Hearing Examiner's decision.
- (6)** The Hearing Examiner may, tentatively, make the same requirements, conditions and approvals, and use the same procedures relative to staff review that are used for any other subdivision plat application. The Hearing Examiner will conduct the review on an expedited basis to insure timely and quick response within the time limits provided above.
- (7)** The Hearing Examiner renders its decision; the Planning and Zoning Commission will consider the application at its next available regularly scheduled meeting. The Hearing Examiner shall include in the package regularly prepared for the Planning and Zoning Commission a special section that includes all subdivision applications considered by the Hearing Examiner.
- (8)** The Planning and Zoning Commission may elect to consider without public hearing any matters that qualify for consideration without public hearing under R.S. 33:113 at its regularly scheduled public hearing.
- (9)** The Planning and Zoning Commission will create a consent agenda for approval of Hearing Examiner decisions that are without opposition. The Commission may approve those items at the public hearing. The Commission may remove any item from the consent agenda and place it upon the regular agenda and conduct a public hearing on that item.

**(f) What are the standards for approval?**

See § Article 1.Division 4.89-56(f)(f) (Preliminary Plat).

**(g) After a decision is made, is there a limit on subsequent applications?**

The Applicant shall not submit another minor plat application for the subject property within 1 year after a minor plat application is denied. The applicant may submit a preliminary plat during this time period.

**(h) How is a decision appealed?**

The decision can be appealed to the Planning and Zoning Commission as provided in subsection (e)(5) above.

**(i) What are my next steps?**

(1) After final approval is issued, the applicant may apply for a building permit.

(2) Final approval shall be issued by the same entity having authority to issue the preliminary subdivision approval.

**(j) How are records of the decision kept?**

See § 89-57 (Final Plat).

## 89-60 Plat Vacation

### (a) When does this process apply?

This process applies to –

- (1) The reversion of platted lots to unplatted land, or
- (2) A change to a prior version of an approved plat on the property.

### (b) How do I start the process?

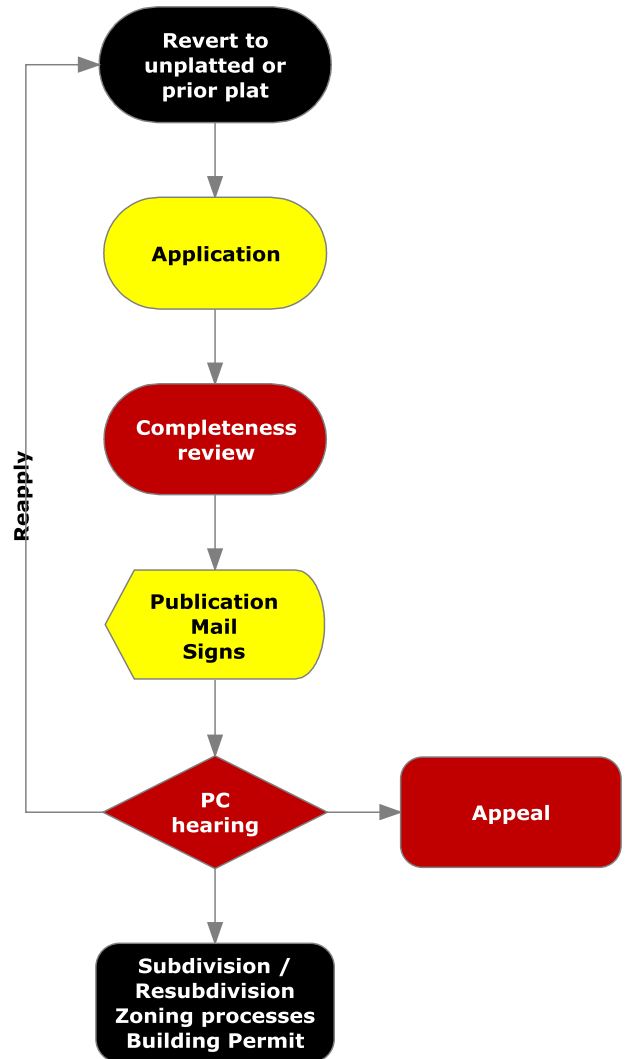
The lot owners initiate the process by filing an application to vacate the subdivision with the Planning Administrator.

### (c) How do I know if my application is complete?

See § 89-45.

### (d) What kind of public notice is required?

Type	When provided
<b>Publication</b>	<ul style="list-style-type: none"> <li>10 days before the scheduled hearing</li> </ul>
<b>Regular Mail</b>	<ul style="list-style-type: none"> <li>5 days before the scheduled hearing</li> <li>Notice is mailed to owners of property located within 300 feet of the proposed development as determined by reference to the most current tax rolls as periodically updated by the Lafayette Parish Tax Assessor.</li> <li>If the owner of any property within 300 feet of a proposed subdivision is a condominium development, the notices shall be sent to the condominium association who will provide the notice to each condominium unit owner.</li> </ul>
<b>Signs</b>	In addition to the information required by 89-46, signs shall state- The total number of proposed lots; and The statement “A plat vacation is proposed for this site”



### (e) How are decisions made?

- (1) The Planning and Zoning Commission shall determine whether the request, complies with subsection (f), below.
- (2) The Planning and Zoning Commission shall make its decision within 60 days after receipt of the required information.

### (f) What are the standards for approval?

The Planning and Zoning Commission may approve a plat vacation if:

- (1) The plat to be vacated is a legal plat of record; and
- (2) Vacation of the subdivision will not interfere with development of, nor deny access via public thoroughfare to, adjoining properties, utility services or other improvements; and
- (3) Vacation of the subdivision is not contrary to the LCG Comprehensive Plan.

**(g) After a decision is made, is there a limit on subsequent applications?**

No.

**(h) How is a decision appealed?**

Point to 89-67

**(i) What are my next steps?**

- (1) If the application is approved, the PZD shall record it in the office of the Clerk of Court. All fees for recording the vacation shall be paid by the applicant or land owner.
- (2) After a plat is vacated, the applicant may initiate the subdivision or resubdivision process, or initiate processes that do not require plat approval.

**(j) How are records of the decision kept?**

See § 89-57 (Final Plat).

## **89-61      Re-Subdivision**

[RESERVED]

## 89-62 Boundary Adjustment

**(a) When does this process apply?**

This section establishes a process to approve minor modifications to existing parcels approved by the Planning and Zoning Commission, as provided in LRSA § 33:113.1.

**(b) How do I start the process?**

The applicant shall file an application for a boundary adjustment with the Planning Administrator.

**(c) How do I know if my application is complete?**

See § 89-45.

**(d) What kind of public notice is required?**

No public notice is required.

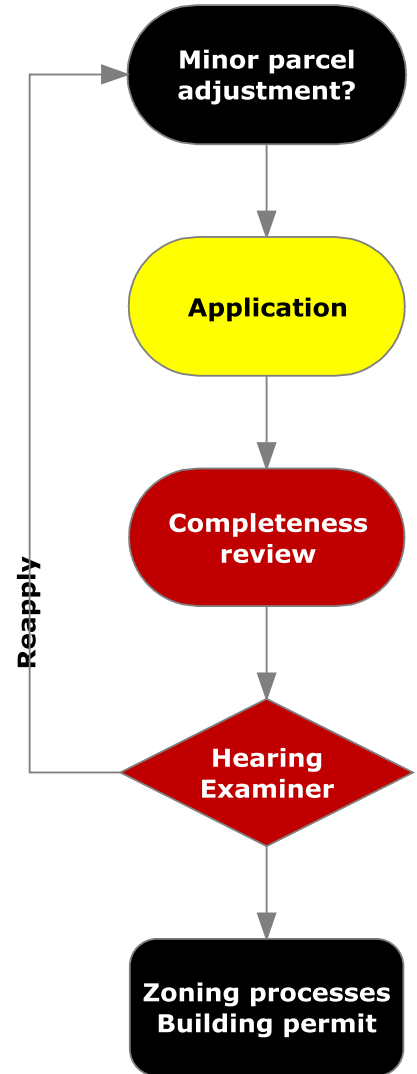
**(e) How are decisions made?**

- (1) Where a plat meets the criteria in subsection (f), the plat shall be submitted to the Hearing Examiner for examination and review.
- (2) The Hearing Examiner shall, within 2 weeks from receipt of the plat, approve, with or without conditions, or deny approval of the plat, after consultation and input from departments and public agencies as may be appropriate for adequate consideration of the plat.
- (3) The public hearing is not required for applications meeting the criteria of this section.
- (4) After all input is received by the appropriate departments and public agencies the Hearing Examiner shall render to the applicant a written decision setting forth the official decision of the hearing examiner.

**(f) What are the standards for approval?**

A plat qualifies for administrative approval under this section if it involves:

- (1) The realignment or shifting of lot boundary lines, including removal, alignment, or shifting of the interior lot boundary lines or the re-designation of lot numbers if the application meets the following requirements.
  - a. Does not involve the creation of any new street or other public improvement;
  - b. Does not involve more than five lots of record;
  - c. Does not reduce a lot size below the minimum area or frontage requirements established by ordinance;
  - d. Otherwise meets all the requirements of the subdivision regulations and zoning ordinances; or





(2) Parcels of land where a portion has been expropriated or has been dedicated, sold or otherwise transferred to the parish or municipality, leaving a severed portion of the original property which requires a redesignation of lot number and establishment of new lot boundary lines.

(3) In connection with the review of subdivision applications, the Hearing Examiner may waive any minimum setback otherwise reviewed by the subdivision regulations.

**(g) After a decision is made, is there a limit on subsequent applications?**

There is no limit on subsequent applications.

**(h) How is a decision appealed?**

Not applicable.

**(i) What are my next steps?**

See § 89-57 (Final Plat).

**(j) How are records of the decision kept?**

See § 89-57 (Final Plat).

## Division 5. Administrative Processes

### 89-63 Building Permit

- (a) The PZD issues building permits after approval is received from all appropriate departments.
- (b) No building or structure shall be demolished, erected, altered, repaired, or relocated until a building permit is issued by the PZD.
- (c) The PZD Department establishes the procedures to apply for building permits.

### 89-64 Certificate of Occupancy

**(a) When does this process apply?**

A certificate of occupancy is required for –

- (1) a change in the use or occupant of land, or
- (2) a change in an existing building or structure, or
- (3) the use or change in use of a new building or structure.

**(b) How do I start the process?**

The applicant files an application for a Certificate of Occupancy with:

- (1) The Building Official, or
- (2) The Zoning Administrator, when a change in occupancy of an existing building involves no construction. The Zoning, the Administrator will then forward the application to the Fire Department for review.

**(c) How do I know if my application is complete?**

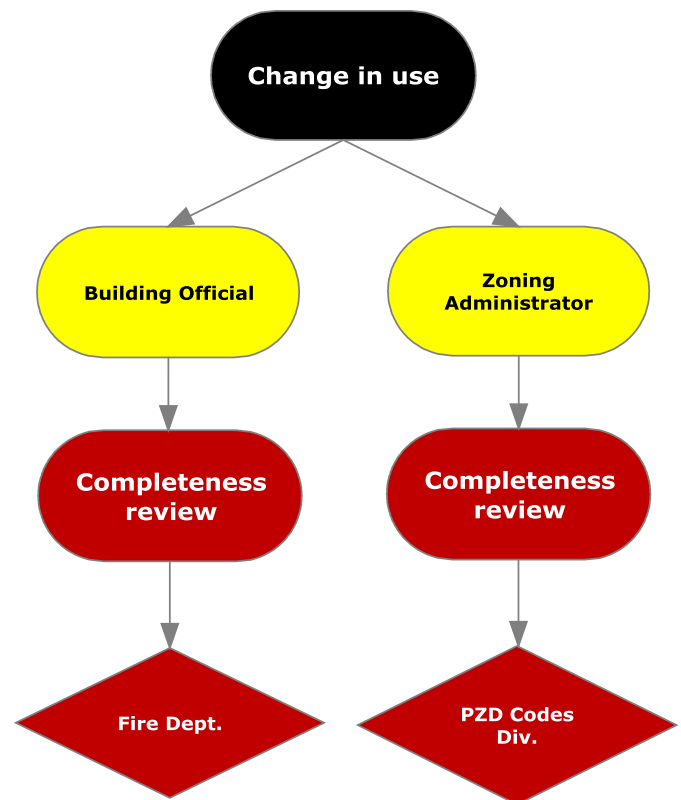
See § 89-45.

**(d) How are decisions made?**

The Fire Department will review the application and issue a Certificate of Occupancy, or the Codes Division of PZD will issue a building permit and a Certificate of Occupancy after all reviews and inspections are approved.

**(e) What are the standards for approval?**

No Certificate of Occupancy shall be issued unless the building, land, or structure complies with all provisions of this Chapter and all terms and conditions of any building permits previously issued for the building, land, or structure.



## Division 6. Administrative Relief

### 89-65 Modification

**(a) When does this process apply?**

This section applies to a request to modify any requirement of Division 4 of this Article, or of Article III as they relate to subdivision plats.

**(b) How do I start the process?**

A request for modification is filed with the application for subdivision plat approval.

**(c) How do I know if my application is complete?**

Completeness review occurs as part of the plat application process (see § 89-45).

**(d) How are decisions made?**

- (1) The approving agency will process the modification as part of the subdivision application.
- (2) If the approving agency finds that the standards in subsection (e) apply, it may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured.

**(e) What are the standards for approval?**

- (1) The approving agency may approve a modification if the applicant demonstrates that strict compliance with the requirements would result in extraordinary hardship to the subdivider because of unusual topography, or other such conditions, thus retarding the achievement of the objectives of these regulations.
- (2) The modification shall not have the effect of nullifying the intent and purpose of these regulations, or of the comprehensive plan.
- (3) The modification shall –
  - a. Be the minimum needed to provide the relief the applicant is requesting, and
  - b. Not reduce the traffic capacity of any arterial, collector or minor streets; and
  - c. Not conflict with the zoning regulations.
- (4) The approving agency may require conditions that will, in its judgment, secure substantially the objectives of the standards and regulations affected.

**(f) After a decision is made, is there a limit on subsequent applications?**

No.

**(g) How is a decision appealed?**

89-67

**(h) What are my next steps?**

See § Division 4.89-57 (Final Plat). Should this point to final plat

**(i) How are records of the decision kept?**

See § Division 4.89-57 (Final Plat). All waivers granted by the Planning and Zoning Commission are documented in the Action Letter that is set out to the owner/applicant/Developer.

## 89-66 Variances and Appeals to Board of Zoning Adjustment (BOZA)

### (a) When does this process apply?

This section applies to –

- (1) **Variance** - application to vary the zoning requirements of this Chapter, or
- (2) **Appeal** - an appeal of a decision by the Zoning Administrator under this Chapter. Appeals to the Board of Zoning Adjustment may be taken by any person, affected by any decision of the Zoning Administrator.

### (b) How do I start the process?

- (1) An application for variance or appeal, in the form provided by the PZD, shall be filed with the Zoning Administrator. Applications shall be taken within a reasonable time, as provided by the rules of the BOZA.
- (2) The Zoning Administrator shall prepare a report and forward the application and supporting documents to the BOZA.

### (c) How do I know if my application is complete?

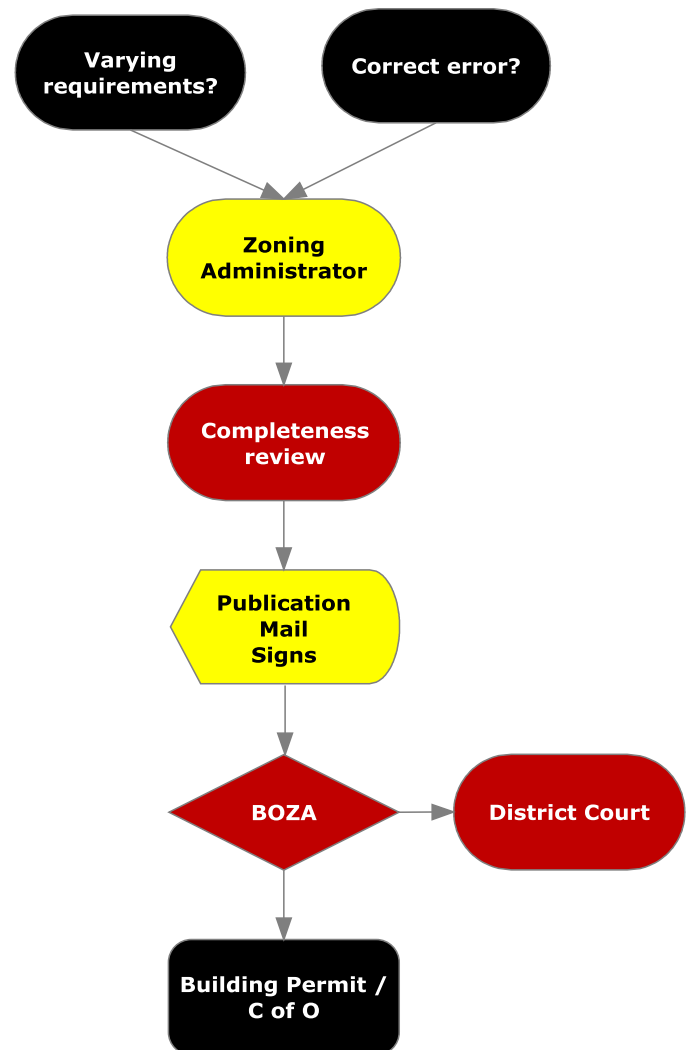
See § 89-45.

### (d) What kind of public notice is required?

The following notice is required:

Type	When provided
<b>Publication</b>	<ul style="list-style-type: none"> <li>10 days before the scheduled hearing</li> </ul>
<b>Regular Mail</b>	<ul style="list-style-type: none"> <li>5 days before the scheduled hearing</li> <li>Notice is mailed to owners of property located within 200 feet of the proposed development as determined by reference to the most current tax rolls as periodically updated by the Lafayette Parish Tax Assessor.</li> <li>If the owner of any property within 200 feet of a proposed subdivision is a condominium development, the notices shall be sent to the condominium association who will provide the notice to each condominium unit owner.</li> <li>7 days before the scheduled hearing, signs are erected by the LCG.</li> </ul>
<b>Signs</b>	<ul style="list-style-type: none"> <li>5 days before the scheduled hearing</li> </ul>

### (e) How are decisions made?



- (1) The BOZA shall fix a reasonable time for the public hearing , give public notice thereof, as due notice to the interested parties, and render a decision within a reasonable time.
- (2) The applicant or agent must appear in person at the hearing.
- (3) In exercising the above mentioned powers, the BOZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination and make such order, requirement, decision, or determination as ought to be made.
- (4) An affirmative vote of 3 members is necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under any ordinance, or to effect any variation in the Comprehensive Zoning Ordinance.

**(f) What are the standards for approval?**

- (1) The BOZA may grant a variance if there are practical difficulties or unnecessary hardships in compliance with the strict letter of this Chapter. If these standards apply, the BOZA may vary or modify the application of any of the regulations or provisions of the ordinance relating to the use, construction, or alteration of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (2) The BOZA may reverse or modify a decision of the Zoning Administrator if –
  - a. The underlying decision was based on an erroneous interpretation of this Chapter, or
  - b. The decision is needed to avoid a violation of constitutional rights, or to provide a reasonable accommodation of rights granted under federal law.

**(g) How is a decision appealed?**

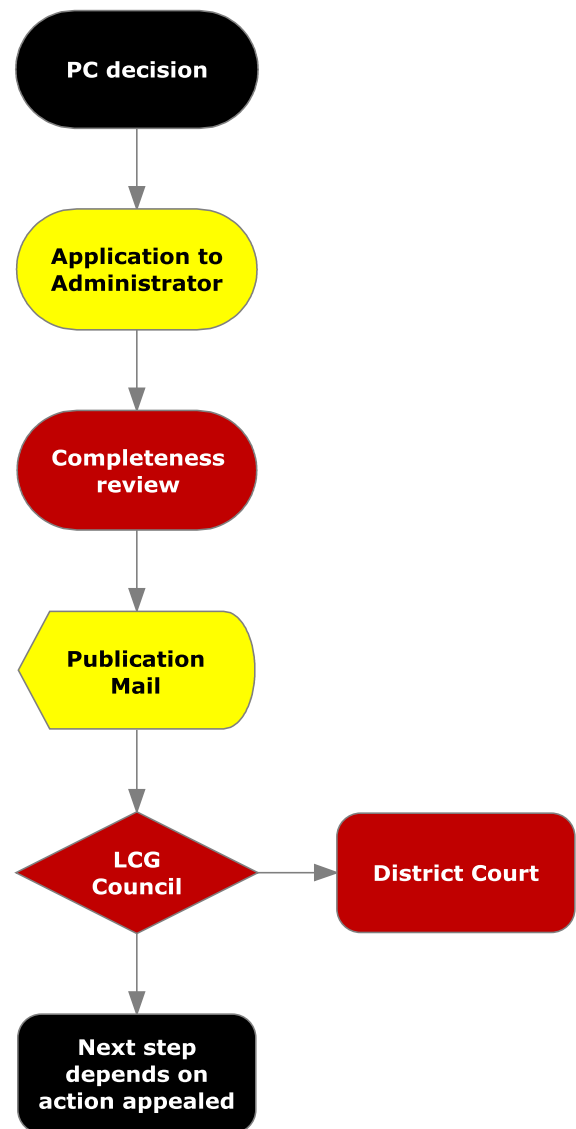
- (1) Any person or persons jointly or severally aggrieved by any decision of the BOZA may present to the District Court in Lafayette Parish, Louisiana a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within 30 days after filing of the decision in the office of the Board. All cost shall be borne by the applicant.
- (2) Upon the presentation of such petition, the court may allow a writ of certiorari directed to the Board of Zoning Adjustment to review the decision of the Board of Zoning Adjustment and shall prescribe therein the time within which a return may be made and served upon the relater's attorney, that shall not be less than ten days but which may be extended by the court.
- (3) The BOZA shall not be required to return the original papers acted upon by it, but may return certified or sworn copies thereof or such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

- (4) The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review. Cost shall not be allowed against the Board unless it appears to the court that it acted with gross negligence, in bad faith, or with malice in making the decision appealed from. All issues in any proceeding under this section shall have preference over all other civil actions and proceedings in accordance with La. R.S. 33:4727.

## 89-67 Appeal of Planning and Zoning Commission Determinations

### (a) When does this process apply?

- (1) This section applies to any appeal of any **Planning and Zoning Commission action** concerning the approval or denial of a proposed subdivision or conditional use permit.
- (2) **Standing.** Only parties with standing are eligible to file an appeal.
  - a. **Definition of standing:** A right to appeal is based on the determination that a person has a substantial stake or interest in the decision or its impact.
  - b. All appeals by non-applicants/parties with standing shall be **submitted, after filing, to legal counsel of the Planning and Zoning Commission**. Legal counsel will review the appeal and issue an opinion as to the standing of the appellant, based upon the facts submitted in the appeal. Within 5 days, exclusive of legal holidays, legal counsel shall issue in writing an opinion relative to standing. Failure to issue an opinion is deemed a determination that standing exists.
  - c. Standing is presumed to exist for the owner and applicant (if not the owner) and Consolidated Government empowered ADRC members (i.e., Trans La, Board of Health).
  - d. Within five days, exclusive of legal holidays, of receipt of the opinion of legal counsel relative to standing, the Administrator shall, in the event that standing is not found to exist, notify the appellant, who shall have five days to advise the Administrator of appellant's desire to have the issue of standing decided by the Council. The Administrator shall take the necessary steps to set the issue of standing on the agenda of the next available Council meeting. Failure to timely request that the Council decide the issue of standing shall cause the appeal to be rejected based on a lack of standing. The Council shall preliminarily rule on the issue of standing only.



### (b) How do I start the process?



- (1) All appeals shall be received by the office of the PZD's Administrator, by hand delivery, within the following time period (exclusive of legal holidays as defined in the Louisiana Code of Civil Procedure):
  - a. within 5 days from the approval, denial or other final action of the Planning and Zoning Commission with respect to an application; or
  - b. within 5 days of distribution of an action letter, but in no event more than 10 days from the approval, denial or other final action of the Planning and Zoning Commission with respect to an application.
- (2) The date set forth on the Commission's action letter is presumed to be the actual date of distribution of the letter.
- (3) Failure to file an appeal within the above referenced time frame precludes any subsequent appeal.

**(c) How do I know if my application is complete?**

See § 89-45.

**(d) What kind of public notice is required?**

The following notice is required for a hearing:

Type	When provided
Publication	<ul style="list-style-type: none"><li>• 5 days before the scheduled hearing</li></ul>
Certified Mail	<ul style="list-style-type: none"><li>• 5 days before the scheduled hearing</li><li>• Notice is mailed to owners of property located within 300 feet of the proposed development as determined by reference to the most current tax rolls as periodically updated by the Lafayette Parish Tax Assessor.</li><li>• If the owner of any property within 300 feet of a proposed subdivision is a condominium development, the notices shall be sent to the condominium association who will provide the notice to each condominium unit owner.</li></ul>

**(e) How are decisions made?**

- (1) If the appellant has standing, the Administrator, within 5 days exclusive of legal holidays, shall have the actual appeal placed on the agenda of the Council to be set at either a regular or special Council meeting, as may be determined by the chairman of the Council considering the complexity of the issues, anticipated time to review and such other considerations as are appropriate.
- (2) The Council shall review the appeal and, after public hearing, shall, by motion, second and a vote of a majority of the Council members present, if a quorum of the authorized membership is present, approve, disapprove, or modify the action of Planning and Zoning Commission.

**(f) What are the standards for approval?**

- (1) The Council shall only consider those issues specifically raised by the appellant.
- (2) To the extent that there is no disagreement between the appellant, the commission and/or any opponents to the subdivision application, those matters shall not be before the Council.

**(g) How is a decision appealed?**

Appeal of any Council action is to the appropriate district court.

## Division 7. Enforcement

### 89-68 Enforcement Procedures

- (a) PZD shall enforce this ordinance.
- (b) All officers and employees of the City-Parish Government, members of the Police Department, and the general public may assist the Department by reporting new construction, alterations, relocations, repairs, land uses, or seeming violations.
- (c) An appeal from a decision of the Department shall be made to the appropriate body as provided in this Article.
- (d) Enforcement of these regulations and penalties for the unapproved recordation or transfer of land is provided by state law in the authority granted by LRSA 33.114.

## 89-69 Violations and penalties

### (a) Generally

- (1) Any persons, firm or corporation violating any provision of this Chapter (except as provided below), is subject to a fine of not more than \$500.00, or imprisonment for not more than 30 days or both, for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (2) Whoever, being the owner or agent of the owner of land located within a subdivision, transfers or sells or agrees to sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been approved by the Planning and Zoning Commission and recorded and filed in the office of the clerk of court shall pay a penalty of \$100.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
- (3) The Department may enjoin a transfer or sale or agreement by suit for injunction brought in any court of competent jurisdiction or may recover the penalty by a civil action in any court of competent jurisdiction.
- (4) The Department may resort to other remedies that are provided by state law or local ordinance.

**(b) Notice to abate.** When a violation of these regulations is found to exist, the Department shall take such actions as necessary to bring the development into compliance including, but not limited to, the provisions of Ordinance Number O-050-2008 (Cease and Desist).

**(c) Responsibility for violations by firms.** Each of the owners or partners of a partnership, joint venture or other legal entity shall be held individually responsible and punishable for any violation by the entity of the provisions of these regulations.

**(d) Responsibility for violations by corporations.** For the purpose of enforcing the provisions of these regulations, a corporation shall be deemed to be represented by its president or in his absence by its vice president, or in the absence of both, by the officer or individual in charge of the affairs of the corporation. Any such representative shall be held responsible and punished for any violation by the corporation of the provisions of these regulations.

(Ord. No. O-166-2012, § 2, 8-28-12)

## 89-70 Reserved